

ENGLISH CO. AFTER COSTA RICA OIL
Pearsons on Point of Getting Concessions When Plan Is Blocked.
WILL TRY AGAIN UNDER NEW REGIME
Son of Lloyd George Interested in Project—Important Privileges Involved.

[Special Correspondence of The Tribune.]
San José, Costa Rica, Dec. 11.—In line with their activity in other Central and South American countries, S. Pearson & Son, Ltd., of London, have for some time been working quietly to get oil concessions in the Republic of Costa Rica. Congress, sitting in San José, was just on the point of ratifying a contract for such concessions, when the proposition was suddenly turned down. It is understood that Major E. J. Hale, the American Minister, had the information conveyed to President Jiménez that his government did not look with favor upon the granting of oil concessions to the English firm. The Costa Rican Congress rejected the contract about two weeks ago.

However, The Tribune correspondent, who has obtained possession of a copy of the proposed contract, understands the effort to close such a contract will be renewed after the new administration gets into power.

The indications are that the Presidential election on Sunday will not result in a choice, the law requiring a majority vote for election, whereas the three candidates are running a close race. There is little doubt, however, that Maximiliano Fernández, the leading candidate, will win out if the election is thrown into Congress under the constitutional provision when no candidate gets a majority. It is generally understood he favors the granting of the proposed concessions, and the general impression is that he will control the new Congress.

Pearsons' Engineer on Scene.
Robert Anderson, an engineer representing the Pearsons, who had been in Costa Rica for some time in the interest of the oil concession, is leaving San José today. David Lloyd George, Jr., son of the Chancellor of the Exchequer of Great Britain, who has been interested in the work with Mr. Anderson, is still in San José, recovering from a severe attack of pneumonia.

He was near death at one time, but has passed the danger point.

An interesting story is told of the secret way in which Mr. Anderson and Mr. Lloyd George went about their mission in Costa Rica. About six months ago the latter arrived at San José. It was reported he was not in the best of health; that he needed outdoor exercise and was interested in the collection of fossils. It was understood Mr. Anderson, who is a slight man with gold-bowed spectacles, was the tutor of the young Englishman. So there was no great amount of curiosity when the two spent much time exploring the hills and valleys of Costa Rica.

In September there was presented secretly to Congress a contract, signed on the one hand by Mr. Anderson for the Pearsons and, on the other, by Enrique Jiménez, the Sub-Secretary of Public Works, giving to the English firm oil concessions. This contract was not well received, as the terms proposed did not seem favorable enough for the republic.

Another and more favorable contract was presented to Congress in November, and, as stated, was on the point of going through, when blocked by some mysterious influence. The representatives of the Pearsons do not acknowledge they have found much oil in their explorations, but it is believed they would not appear so anxious to put the contract through unless they were pretty well satisfied that oil could be obtained in considerable quantities.

Jiménez Presents Contract.
In presenting the last contract to Congress upon the instructions of President Ricardo Jiménez, Enrique Jiménez said:

"There are many indications that there exist in Costa Rica a great many deposits of petroleum asphalt and maybe other hydrocarbons—particularly in the Talamanca region and Guanacaste. If experience should confirm such forecast there will be open to our country one of the greatest fountains of riches. For this motive, the executive power incites us so that you may consider the present contract with all interest, circumspection and attention which a matter that might have transcendent consequences in the future development of our country requires."

"Petroleum deposits are valuable because of the growing demand for this product and its derivatives as material for the construction and upkeep of highways and as an ideal combustible for steam engines and for motors employed in automobiling, aviation and industry in general. As a combustible it has exceptional qualities for marine purposes. The deposits are considered one of the major national riches, from which the countries which possess them derive colossal benefits, as also do the companies that exploit them. One of their most important uses is that made in the merchant marine and in war."

The proposed contract gave the Pearsons the right to explore the country and search for oil and hydrocarbons. It provided that Costa Rica should have the right to take 7 1/2 per cent of the product at the pools, or wells, or demand 7 1/2 per cent of the total value of the deposits in cash.

The Pearsons agreed to invest within two years 20,000 colones; within three years thereafter 20,000 colones and within seven years thereafter not less than 2,000,000 colones. A colone is valued at about 46 cents in American money.

Sweeping Privileges Involved.
These are the rather sweeping privileges the government would have granted to the Pearsons, if the contract had been ratified.

"The government authorizes the contractors to establish tubing, which will serve to conduct the petroleum or any other substance; to construct wharves for the use of the company or companies which shall exhibit these substances, and also to traffic by land and water; to establish and exploit refineries, and to execute all the works which the exploitation of the petroleum shall demand, such as warehouses, aqueducts, canals, wharves, pumps, telephones, telegraphs, railways, tramways, electric plants and transmission lines, all for the service of the company or companies, without prejudice of third parties, and taking care to exact the public security and salubrity and the traffic through the streets and roads."

It was provided that in case of a force majeure.



VALLE DE OROSL, ONE OF THE COSTA RICAN VALLEYS WHERE REPRESENTATIVES OF THE PEARSONS HAVE BEEN EXPLORING FOR OIL.

sign war the government might have the right to the telegraph, telephone and transportation lines. The terms of the contract were for sixty years, at the expiration of which time, it was provided, the deposits and beds to which the contract referred should become the property of the state. The Pearsons, however, would have had the preference for a renewal of the agreement. It was also provided that any rights or privileges that might be conceded to any later concessionaires should also go to the Pearsons.

Mr. Anderson was much disappointed when the contract failed of passage by Congress after it had been practically assured of success. He believes, however, that there is a good chance of getting through the proposition in the next administration, which begins on May 1.

After turning down the contract the present Congress passed a resolution declaring that all deposits and beds of petroleum and any other hydrocarbons existing in territory belonging to the republic should be considered as belonging to the state and inalienable. It was declared the concession to explore and exploit such lands could be obtained for a limited time only. However, no time limit was placed, and the conditions under which a new contract might be drawn would not necessarily change the form of the contract.

The sentiment among the people of Costa Rica seems rather favorable to allowing the Pearsons to exploit whatever oil lands there may be, and it remains to be seen whether the United States can prevent a contract going through in the future.

As predicted in the above correspondence, the Presidential election in Costa Rica on Sunday did not result in a choice. Maximiliano Fernández got 25,000 votes out of a total of about 60,000 cast for the three candidates, according to dispatches received in New York and printed in The Tribune on Wednesday.

FOUND RADIO FUNDS GONE

Witness in U. S. Case Explains Stock Transfer.

The government rested its case yesterday against the defendants in the Radio telephone suit. Martin W. Littleton, counsel for Samuel E. Darby, asked that the charge against his client be dismissed, but the motion was overruled.

Darby then testified that he was appointed a committee of one to inquire into the reasons why the funds of the Radio company were so low. He was surprised to learn, he said, that there was no money due the company from the treasury of the Fiscal Agency Company, of which Mr. Burlingame, one of the defendants, is president.

"The stock books of the Radio company were gone over," the witness said, "and it was discovered that a large number of shares of Radio stock had been transferred. I, as secretary of the company, had not put the seal of the company on such a large number of transfers, and as a result of my investigation I found that the transfers from the stock books were not from the treasury stock of the Radio company, but from the 200,000 shares owned by the Fiscal Agency Company. The result was that there were no funds in the treasury of the Radio company and none were due it."

BOMBARDED AS A HUGGER

Sunday School Head Then Turns Other Cheek.

"Do you go to the Willis Avenue Methodist Church?" a young woman asked Thomas Davis yesterday as he stood in front of his cooper's shop, at Brook avenue and 124 street, The Bronx.

"I do," said Davis, making his lowest bow. "In fact, I am superintendent of the Sunday school and an usher."

"Take that, then," said the woman, and from a range of three feet she hurled a wad of paper in his face.

Davis had been arrested in the Morrisania court the woman said Davis had thrown his arms around her neck while showing her to a seat in the church three Sundays ago.

"Such an action would be entirely foreign to my nature," said Davis, indignantly. Magistrate Corrigan fined the prisoner \$3. She said she was Miss Edith Williams, of No. 475 East 140th street. Davis paid \$2 of the woman's fine, and she was held in custody until 4 o'clock to satisfy the rest of the fine.

OBJECTS TO VICE FILMS

John D. Rockefeller, Jr., Denies Reported Indorsement.

In a statement issued last evening, John D. Rockefeller, Jr., denies that he or the Bureau of Social Hygiene financed by him has indorsed moving pictures purporting to be based on the bureau's researches. The statement follows:

"My attention has been called to the fact that moving picture shows dealing with vice have been advertised as 'based on the Rockefeller report' and that the impression has been deliberately created that the Bureau of Social Hygiene is favorable to such exhibitions.

"May I say with all possible emphasis that no films have been based on our work with our approval or consent; that we have not indorsed any moving picture shows or plays dealing with this subject now being produced in this city; that the use of my name in any such connection is absolutely unauthorized, and that I and those associated with me in this work regard this method of exploiting vice as not only injudicious but positively harmful."

FIELD COMMAND FOR GEN. O'RYAN

Army General Staff Has Head of Guard Slated for Division if War Comes.

WOULD UTILIZE N. Y. TROOPS AS UNIT

Department Plans for Possible Campaign in Mexico with Many Volunteers.

It can be put down as a fact that in the event that troops from the United States are needed in Mexico in the near future, the General Staff of the army, of which Major General Leonard Wood is chief, has, in planning the possible campaign, slated Major General John F. O'Ryan, commanding the National Guard of New York, to command a division of volunteers. This division would be composed only of the National Guard of New York, according to the plan now adopted by the General Staff.

This statement may not be officially acknowledged by the General Staff, who naturally maintain secrecy, but it is fact nevertheless, and the plans have been carefully thought out and prepared. Under their forces of the regular army and the national guard after the latter are sworn into the United States service as volunteers will be organized into sixteen tactical divisions, the first four of which are to be made up of the regular army. The twelve remaining divisions are to be composed of volunteers organized from the national guard.

The National Guard of New York numbers more than 16,000 officers and men, and in time of peace it is limited to 18,000. It would, like the army, have to be filled up to its war strength by recruits. The war strength of the New York guard would be some 22,000 officers and men, which would be more than one-fifth the strength of the regular army in time of war, as the latter is limited to 100,000.

It was in consideration of his progressive programme to make the National Guard of New York come as near the regular army as it is possible for citizen soldiers that General O'Ryan obtained permission to attend the War College at Washington as a student, where he now is. He is the only national guard officer that has ever been permitted to attend the War College and let into the secrets of plans for campaigns, etc.

According to the plans of the War Department, the 6th Division of the Volunteer Army, which General O'Ryan is slated to command, would be organized as follows: 1st Infantry Brigade, composed of three of the four regiments, viz., 7th, 12th, 16th and 21st; 2d Infantry Brigade, made up of the 14th, 24 and 47th regiments; 3d Infantry Brigade, made up of three regiments, the 1st, 2d and 19th; 4th Brigade, composed of the 2d, 6th and 7th regiments and probably one from the 1st Brigade.

The cavalry of the division will consist of the 1st Regiment and first separate squadron, and the field artillery of the 1st and 2d regiments. The other troops included in the organization of a volunteer division are the 2d Engineers, two signal companies, three field hospitals and three ambulance companies.

The brigade commanders now in command would probably be retained, but every officer and man would have to undergo a physical examination before being accepted as a volunteer. Brigadier General George R. Dyer commands the 1st Brigade, Brigadier General John G. Eddy, the 2d; Brigadier General James W. Lester, the 3d, and Brigadier General Samuel M. Welch, the 4th.

Brigadier General McCoskey Butt, now on the supernumerary list, and known as an exceptionally able and well informed officer, is also available for service. He is the only general officer on the supernumerary list and has been highly indorsed as to his ability as a general officer by prominent officers of the army, among them being Lieutenant General J. C. Bates, General J. H. Wilson and Lieutenant Colonel T. Bentley Mott.

There are three provisional regiments of coast artillery which could in emergency be used as infantry. They are the 8th, 9th and 13th. To prepare for a possible mobilization of the state force for war service, various places have been examined as to their adaptability for camp sites and other examinations are being made in different parts of the state.

HUGE NAVY YARD URGED

Advantages of Communipaw Outlined to Naval Architects.

Captain L. S. Van Duzer, U. S. N., at the twenty-first meeting of the Society of Naval Architects and Marine Engineers yesterday, urged that a navy yard be established at Communipaw, N. J. He said he considered the location better than the present one in Brooklyn. George W. Dickie, vice-president of the society, suggested many ideas regarding the possibility of building a passenger vessel that would not under any of the known mishaps at sea lose her buoyancy or stability and sink. Many other members and experts made technical suggestions from addresses which they read. Captain Van Duzer said he thought that the great ex-

pense of the new yard would be for the most part covered by the price obtained from the sale of the old.

"The uselessness and expense of these subsidiary yards has always been well known, but local politics have prevented their abandonment," continued Mr. Van Duzer. "Recently strategic reasons have added force to the economic ones, and we now see that we must have at least one great yard where the entire fleet can be repaired and supplied in time of war."

George W. Dickie said, in brief, that the suggestions embodied in his address are the fitting of a double upper deck and so arranging the watertight subdivision below the lower member of this deck that a ship would prove both seaworthy and unsinkable under the most aggravated conditions of flooding.

Other subjects were: "Relative Resistance of Some Models, with Block Coefficient Constant and Other Coefficients Varied," by Naval Constructor D. W. Taylor, U. S. N.; "Experiments on the Fulton; Effect of Bilge Keels," by Professor C. H. Peabody, and "Structure of Vessels as Affected by Demand for Increased Safety," by William Gatewood.

There will be another meeting throughout today, and a dinner at 7 p. m. in the Astor Gallery of the Waldorf-Astoria.

FEAR FOR JOB, NOT WIRES

New Haven Trainmen Given Modified Electric Zone Order.

The Public Service commissions of the 1st and 2d districts met in this city yesterday to receive an application of the New Haven road for a rehearing on the order of both commissions last month directing the road to protect its employees from the overhead wires in the electrified zone. At the conclusion of the hearing Commissioner James E. Sage announced that the order would be modified to allow trainmen to ascend motor engines and cars to make repairs or in other emergency when the trains were not in motion. The order goes into effect on January 1.

During the hearing C. L. Bardo, general manager of the New Haven's transportation department, had a lively tilt with John Fitzgerald, of Oswego, the representative of the Brotherhood of Railroad Trainmen. Mr. Bardo said none of the New Haven trainmen ever complained about the overhead wires, and not one of them had been summoned by the commission to testify.

"The trainmen feel that their jobs would not be worth a cent if they came here to testify to the truth," said Mr. Fitzgerald.

"Our trainmen would testify without fear or favor," retorted Mr. Bardo.

"Didn't you write a letter to this commission saying that your employees were overpaid and pampered?" cried Mr. Fitzgerald.

Mr. Bardo denied the allegation.

"Give this order a sixty-day trial," he said to Mr. Bardo, "and if in that time you discover any better objections than you have offered here, come back and let us hear them."

TO PROTECT IMMIGRANTS

Woes of Foreigners Coming Here Arouse Inspectors.

The New York State Bureau of Industries and Immigration has received from its docks and ferries squad a report detailing many instances of bad treatment received by immigrants from steamship companies, hotels and runners. The report declares that "certain runners, guides, steamship ticket agents and private bankers are apparently favored by the steamship company officials on the dock. These favored persons are given free entrance to the ticket stamping booths."

In a letter to the licensed immigrant transfer house keepers Joseph Mayer, acting chief inspector, points out that to take possession of an immigrant's un-stamped tickets on pretence of identification, stamping, etc., is needless and is in direct violation of the law.

"Every passenger on arriving at or leaving his lodging place should hereafter have his steamship ticket in his own possession," Mr. Mayer says. "Under no circumstances must your guides, runners or employees retain the tickets."

Mr. Mayer also has written to Police Commissioner Waldo asking him to instruct all patrolmen with dock or waterfront posts to see that the immigrant protection law is enforced.

IDLE SON SENT TO JAIL

Says Mother Must Support Him, and Is Sent to Prison.

When Charles Schlesinger, nineteen years old, was arraigned before Magistrate Corrigan in the Morrisania court yesterday on the complaint of his mother, who said he was an idler, the young man remarked languidly: "Why should I work? My mother can't put me out."

Mrs. Schlesinger said that Charles was an absolute stranger to labor in any form. He told the magistrate that he was a singer.

Magistrate Corrigan started to threaten Charles with a term in the workhouse, but the young man interrupted him, "I am sure I should not like it there," he said.

He was then sent to prison without bail, pending an investigation by the court probation officer.

The prisoner objected when a court attendant started to lead him from the room, but a policeman's stick ended the argument.

LOW PLEADS FOR HIGHER R. R. RATES

Tells Civic Federation He Fears Demand for Federal Ownership.

DR. WILEY URGES PURE FOOD ACTION

Many Delegates Assemble for the Annual Meeting of National Organization.

A plea for increased freight rates on the railroads of the country opened the fourteenth annual meeting of the National Civic Federation at the Hotel Astor yesterday. If the railroads were forced year by year to increase their operating expenses and at the same time permitted no means of adding to their earnings, the flow of capital into American railroad securities would soon be checked, declared Seth Low, the president, in his address to the delegates.

"The actual situation of the railroads at this moment," asserted Mr. Low, "seems to me so serious that, if this application for an increase of freight rates is refused, I fear the impulse that will be given to the demand for the public ownership and operation of the steam railroads of the country will be inevitably strengthened."

"Such information as I can command leads me to believe that in Germany, France, Australia, Italy and Austria, the earnings of the state-owned railroads in each country barely equal, if they do equal, the sums paid in taxation by the railroads of the United States."

"The freight rates prevailing in those countries are uniformly higher, I believe, than the freight rates prevailing in the United States; but it is noticeable that the average passenger rate, disregarding the division by classes obtaining there, is lower in some, and I think in all, of those countries than here."

"Nobody would contend for the adoption in this country of any division of railroad passengers into classes; but it is legitimate to point out that the railroads' income is derived in part from passengers and in part from freight."

"It is perfectly possible, therefore, without reducing the net returns to the railroads, to reduce passenger rates importantly, without any division of passengers into classes, if freight rates are correspondingly advanced."

The enemies of pure food and drugs were taken to task by Dr. Harvey W. Wiley, former chief of the Bureau of Chemistry, at the afternoon session devoted to a discussion of food and drug regulation. The trouble with the present efforts to protect public health in this country was twofold—opposition to the making of more effective laws and illegal interpretations of the existing laws—he said.

"All the opponents of health laws," asserted the doctor, "are banded together into a body known, I believe, as the League of Medical Freedom, of which the delightful publication, 'Life,' is the official organ. It is pleasant reading, this publication, but I should like to suggest to the editor that its name should be changed. It ought to be called 'Death.'"

"The lobby of this league is exceedingly successful in blocking legislation. But after twenty-five years of fighting we finally succeeded in getting the pure food law on the statute books. Why is it that the law has not been as effective in protecting the public health as its promoters hoped it would be? Chiefly because the interests which it affected determined in one way or another to block it."

"Now that I am out of public life I can tell the truth. When I handed them into the courts they went above me to the Secretary of Agriculture and to the President—I've almost forgotten his name by now. The President signed an order creating a board to decide what the law provided I should decide. If they had let me alone, food adulteration to-day would be a memory in this country. Instead of a menace, as it is."

Dr. Wiley described the scene before President Roosevelt, when "Sunny Jim" Sherman, then a Senator, told the President that his company had saved \$4,000 in one year by the use of saccharine. "Anybody who thinks saccharine injurious," roared the President, Dr. Wiley said, "is an idiot!"

"That was my official status," commented the doctor, "and that is my official status to-day. But I am an idiot with a heart and a conscience, and both of them are at the service of my country."

The morning session, after Mr. Low's talk, was given up to the reports of committees, submitted by their chairmen. Among those who spoke were August Belmont, Emerson McMillin, Marcus M. Marks, William R. Willcox, Judge Alton B. Parker, Professor Talcott Williams and Miss Maude Wetmore.

OPPOSES ASIA IMMIGRANTS

Prof. Jenks Says They Have Different Racial Instincts.

Professor Jeremiah W. Jenks, of the New York University School of Commerce, Accounts and Finance, in an address on immigration in Association Hall yesterday said that the United States should exclude the Japanese and Chinese from the country as well as from citizenship.

"We should exclude them," he added, "on the ground that they have different racial instincts, not that they are inferior intellectually. We Americans will not assimilate or amalgamate with the Orientals nor will they with us. These of both countries will thrive better if the Japanese and Chinese are not admitted to our shores."

Speaking of immigrants from the south and east of Europe, he said: "It is necessary to restrict only those who come with the intention of staying only for a short period. They work for poor salaries and are willing to toil under wretched conditions. In several instances this class has caused an actual deterioration and reduction of the standard of living in this country."

"Jack" Garaghty Loses Office.

Woburn, Mass., Dec. 11.—Because he has lived here only six months "Jack" Garaghty, who married Julia French, of Newport, after an elopement a few years ago, cannot serve as alderman. Garaghty was elected Tuesday, but a clause in the city charter limits membership to persons who have resided here for more than a year.

DE WOLFE CASE TO THE SUPREME COURT

Judge Landis Declines Jurisdiction in the Income Tax Suit.

COUNSEL TO APPEAL TO HIGHEST BENCH

Lawyer's Plea That the Law Is Unconstitutional Will Not Be Passed Upon.

Chicago, Dec. 11.—The declination of Judge Landis to accept jurisdiction in the suit of Elsie de Wolfe, the actress, designed to test the constitutionality of the income tax law, is regarded by the attorneys concerned as tending to expedite decision by the Supreme Court of the United States.

W. Bourke Cockran, of counsel for the plaintiff, will file an appeal three weeks hence, on his return from a vacation in Europe.

To-day's proceedings were brief. Miss de Wolfe sued the Continental and Commercial Trust and Savings Bank for interest on bonds, which interest the bank withheld because she had not filed a certificate of ownership, as required by the income tax law. She also asked for \$1,000 damages. Levy Mayer, for the bank, demurred, to the effect that the United States District Court did not have jurisdiction, as it was a matter of contract between plaintiff and defendant, and should be adjudicated in the courts of Cook County.

Judge Landis upheld this contention without prejudice to the constitutional question which it was sought to involve. All points of the plaintiff were noted and a clear record was handed to Mr. Cockran for use in his appeal.

In his presentation of the case Mr. Cockran asserted that the law taxed only \$20,000 persons out of a population of 90,000,000, which tax, he said, was imposed on them without their consent by the untaxed remainder of the population. Even if Congress had the right to impose this tax, it was graded according to incomes, with such gross inequalities as to violate the constitution.

His client's income, Mr. Cockran said, was more than \$20,000 a year, on which she was taxed 1 per cent on all in excess of \$1,000, and an additional tax of 1 per cent on all above \$20,000. He asserted that if this ratio were equitably pursued the income from the tax would be \$20,000,000, a sum practically sufficient to defray all government expenses. By its present inequalities, he added, the income would not be much more than \$30,000,000.

Mr. Cockran insisted that if all incomes were taxed in the same ratio as that of the plaintiff, incomes of more than \$20,000 would be subject to a penalty of 10 per cent instead of the present 5 per cent; those of \$20,000 or more to a

penalty of 20 per cent instead of 5, and incomes of \$1,000,000 would be penalized 40 per cent instead of 7. A man with an income of \$2,500,000 a year—and the lawyer said there were several in the country—would be assessed 100 per cent, or, in other words, would have to pay all income in excess of \$2,500,000 into the United States Treasury.

Thus, Mr. Cockran argued, his client was not granted the equal protection of the law guaranteed by the Fourteenth Amendment to the Constitution.

Mr. Mayer stated the contention of the bank to be that the law was constitutional. In his demurrer, filed yesterday, he contended that the bonds constituted a civil contract in no wise involving federal laws, and that the federal court, therefore, had no jurisdiction.

Washington, Dec. 11.—Consideration of the Elsie de Wolfe case by the Supreme Court of the United States will be limited to the question of jurisdiction passed on by Judge Landis, and will not involve the constitutionality of the income tax.

The case will fall within the class of cases which may be sent to the Supreme Court direct from a district court when the jurisdiction of the federal court to hear the case is the only point involved. In such cases the district judge certifies to the Supreme Court that he has considered the question of jurisdiction only. That limits the Supreme Court's consideration to that question alone.

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